

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

OSCAR SILVA

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VS.
**REPUBLIC SERVICES, INC.,
REPUBLIC SERVICES, INC. D/B/A
REPUBLIC WASTE SERVICES
GROUP OF TEXAS, INC. AND
REPUBLIC SERVICES OF SAN
ANTONIO, LLC**

CIVIL NO. 5:21-cv-00079

DEFENDANT, REPUBLIC SERVICES, INC'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS:

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendant, **REPUBLIC SERVICES, INC.**, hereby removes this action to the United States District Court for the Western District of Texas, San Antonio Division from the 288th Judicial District Court of Bexar County, Texas, stating as follows:

1. Plaintiffs commenced this action in the 288th Judicial District Court of Bexar County, Texas, where it was given Cause No. 2020CI24885.
2. This action is between citizens of different states. For the purposes of diversity jurisdiction, a natural person is considered a citizen of the state where the person is domiciled. *Preston v. Tennet Healthsystem Mem. Med. Ctr.*, 485 F.3d 793, 797 (5th Cir. 2007). According to Plaintiff's state court petition, Plaintiff is a resident of Texas. Defendant, Republic Services, Inc. is a Delaware corporation with a principal place of business in Arizona.

Further, Plaintiff claims damages for serious personal injury and as of Plaintiff's December 31, 2020 Original Petition, Plaintiff is seeking damages over \$1,000,000.00.

Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332. Thus, it is “facially apparent” from the plaintiff’s state court petition that the controversy here exceeds the minimum jurisdictional limits. See, e.g., *De Aguilar v. Boeing Co.*, 11 F.3d 55, 57 (5th Cir. 1993)(noting that, if it is “facially apparent” from the state-court petition that the amount in controversy exceeds the jurisdictional minimum, the defendant need only point such fact out to successfully bear its burden); *Matney v. Wenger Corp.*, 957 F. Supp. 942, 943-44 (S.D. Tex. 1997)(finding that plaintiff’s petition satisfied amount-in-controversy requirement despite contention to the contrary where petition alleged “severe bodily injuries”).

3. Defendant, Republic Services, Inc. received the summons and complaint on January 7, 2021.

4. A copy of all process, pleadings, and orders served in the state court case are attached as Exhibit A.

5. Defendant, Republic Services, Inc. will provide written notice of this Notice of Removal to all adverse parties and has filed a copy with the District Clerk of Bexar County, Texas. Plaintiff has sued Republic Waste Services Group of San Antonio, LLC which remains unserved. Republic Waste Services Group of San Antonio, LLC is an assumed name of Republic Waste Services, Inc.

Dated: **February 1, 2021**

Respectfully submitted,

LARRY D. WARREN
ATTORNEY IN CHARGE
State Bar No. 20888450
FBN: 13339

**ATTORNEY FOR DEFENDANT
REPUBLIC SRVICES, INC.**

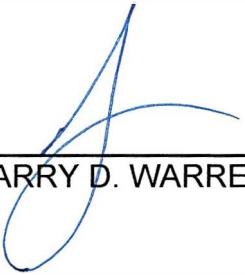
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CERTIFICATE OF SERVICE

I hereby certify that on the **1st** day of **February 2021**, the foregoing was filed with the Clerk of Court using the CM/ECF system, and was served on counsel ***via e-mail***:

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